

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Donald Joseph Wirth, Jr., and Nicholas  
Thomas Stroeder,

File No. 24-cv-1595 (ECT/ECW)

Plaintiffs,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

James Julis Burton, Jane Doe Number 1, Jane  
Doe Number 2, Jane Doe Number 3, Jane  
Doe Number 4, John Doe Number 1, John  
Doe Number 2, John Doe Number 3, John  
Doe Number 4, and John Doe Number 5,

Defendants.

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Magistrate Judge Elizabeth Cowan Wright issued a Report and Recommendation on June 11, 2024. ECF No. 6. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 6] is **ACCEPTED**;
2. The action is **DISMISSED without prejudice** for lack of subject matter jurisdiction; and

3. Plaintiffs' applications to proceed *in forma pauperis* [ECF Nos. 4, 5] are  
**DENIED as moot.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: July 11, 2024

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court